

## Department of the Army, DoD

§ 519.53

### INVITING PUBLIC COMMENT ON CERTAIN PROPOSED RULES AND SUBMISSION OF PETITIONS

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AUTHORITY: Sec. 3012, 70A Stat. 157, (10 U.S.C. 3012); sec. 3, 60 Stat. 238, (5 U.S.C. 552).

SOURCE: 42 FR 26424, May 24, 1977, unless otherwise noted. Redesignated at 48 FR 35590, Aug. 16, 1982.

#### GENERAL

#### § 519.51 Purpose.

This regulation prescribes procedures and responsibilities for publishing certain Department of the Army policies, practices and procedures in the FEDERAL REGISTER as required by statute, and for inviting public comment thereon, as appropriate. This regulation implements a portion of the Freedom of Information Act, 5 U.S.C. 552(a)(1), and DoD Directive 5400.9, December 23, 1974 (32 CFR part 296, 40 FR 4911).

#### § 519.52 Explanation of terms.

(a) *Rule*. The whole or a part of any Department of the Army Statement (regulation, circular, directive, or other media) of general or particular applicability and future effect, which is designed to implement, interpret, or prescribe law or policy or which describes the organization, procedure, or practice of the Army. See 5 U.S.C. 551(4).

(b) *FEDERAL REGISTER*. A document published daily, Monday through Friday (except holidays), by the Office of the Federal Register, National Archives and Records Service, General Service Administration (GSA) to inform the public about the regulations of the executive branch and independent administrative agencies of the U.S. Government. The FEDERAL REGISTER includes Presidential proclamations, Executive orders, Federal agency documents having general applicability and legal effect or affecting the public, and documents required to be published by Act of Congress.

(c) *Code of Federal Regulations*. A document published by GSA which contains a codification of the general and permanent rules published in the FEDERAL REGISTER by the executive departments and executive agencies of the Federal Government. It consists of 120 volumes, divided into 50 titles. Each title represents a broad area that is subject to Federal regulation. Army documents are published in title 32, National Defense, and in title 33, Navigation and Navigable Waters. (The FEDERAL REGISTER and the Code of Federal Regulations must be used together to determine the latest version of any given rule.)

#### § 519.53 Responsibilities.

(a) The Adjutant General (TAG) is responsible for policies concerning Army rules, and proposed rules published in the FEDERAL REGISTER, and for ensuring Army compliance with this regulation. TAG will assist the officials listed in table 1 in the performance of their responsibilities. TAG will represent the Army in submitting to the Office of the Federal Register any matter published in accordance with this regulation.

(b) The officials listed in table 1 (hereinafter referred to as proponents) are responsible for determining whether any rule originated in their areas of jurisdiction falls within the purview of § 519.64, and for taking all actions specified in §§ 519.65 through 519.69. They are also responsible for determining which matters within their areas of jurisdiction must be published in accordance with § 519.59 and for submission actions specified in § 519.61.

(c) Legal officers and staff judge advocates supporting the proponents will provide legal advice and assistance in connection with proponent responsibilities contained herein.

TABLE 1—RULEMAKING PROPONENTS

Official	Area of jurisdiction
Administrative Assistant to the Secretary of the Army.	Office of the Secretary of the Army.
Director of the Army staff.	Elements, Office of the Chief of Staff, U.S. Army.
Head of each Army staff agency.	Headquarters of the agency and its field operating and staff support agencies.

TABLE 1—RULEMAKING PROPONENTS—  
Continued

Official	Area of jurisdiction
Commander, MA COM	Headquarters of MA COM and all subordinate installations, activities and units.
The Adjutant General ...	All other Army elements.

**§ 519.54 Designation of Rulemaking Coordinators.**

The officials listed in table 1 will designate Rulemaking Coordinators to perform the duties listed in paragraphs (a) through (d) of this section for their areas of functional responsibility. At the time of designation, the Adjutant General (DAAG-AMR-R) will be informed of the name and telephone number of the designated individual. The designee will perform the following duties:

(a) Editorial review of all rules, notices, and highlight statements required to be published in the FEDERAL REGISTER.

(b) Transmitting material to TAG and providing TAG with the name, office symbol, and telephone number of the action officer for each rule or general notice for inclusion in the FEDERAL REGISTER.

(c) Coordinating with Publication Control Officers to ensure submission of Statements of Compliance required by § 519.55.

(d) Notifying HQDA (DAAG-AMR-R), WASH DC 20314, when a regulation published in the FEDERAL REGISTER becomes obsolete or is superseded by another regulation.

**§ 519.55 Statement of compliance.**

In order to ensure compliance with the regulation, no rule will be issued unless there is on file with The Adjutant General (DAAG-AMR-R) a statement to the effect that it has been evaluated in terms of this regulation. If the proponent determines that the provisions of this regulation are inapplicable, such determination shall be explained in the statement.

**§ 519.56 Submission of publications for printing.**

When Army-wide publications or directives are transmitted to The Adjutant General (DAAG-PAP) for publica-

tion, the DA Form 260 (Request for Printing of Publication) or other transmittal paper will contain a statement that the directive has been processed for publication in the FEDERAL REGISTER or that it falls within the exempted category. DAAG-PAP will not publish any rule unless this statement is on DA Form 260. A copy of DA Form 260 may be submitted to DAAG-AMR-R in lieu of the statement required by § 519.55.

**§ 519.57 Incorporation by reference.**

(a) With the approval of the Director of the Federal Register, the requirements for publication in the FEDERAL REGISTER may be satisfied by reference in it to other publications, provided they are reasonably available to the class of persons affected and contain the information which must otherwise be published. For example, it can be purchased from the Superintendent of Documents, Government Printing Office or GPO bookstores at a reasonable cost, or is available for review at Army installations, or depository libraries. Therefore, before a document can be incorporated by reference, the proponent must determine that it is available to the public. See 5 U.S.C. 552(a)(1); 1 CFR part 51; 37 FR 23614 (4 Nov 1972).

(b) Incorporation by reference is not acceptable as a complete substitute for promulgating in full the material required to be published. It may, however, be utilized to avoid unnecessary repetition of published information already reasonably available to the class of persons affected. Examples include:

(1) Construction standards issued by a professional association of architects, engineers, or builders,

(2) Codes of ethics issued by professional organizations, and,

(3) Forms and formats publicly or privately published and readily available to the persons required to use them.

(c) Proposals for incorporation by reference will be submitted to HQDA (DAAG-AMR-R), WASH DC 20314 by letter giving an identification and subject description of the document, statement of availability, indicating document will be reasonably available to the class of persons affected, where and